

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,  
Plaintiff

NO. CR15-5197BHS

v.

DISCOVERY PROTECTIVE ORDER

JEREMY SCHLENKER,  
Defendant.

This matter, having come to the Court's attention on the United States of America's Motion for Entry of a Discovery Protective Order, and the Court, having considered the motion and overruling any objection by the defendant, Jeremy Schlenker, and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

1. Protected Material

The following documents and materials are deemed Protected Material. The United States will make available copies of the Protected Materials, including those filed under seal, to defense counsel to comply with the government's discovery obligations. Possession of copies of the Protected Materials is limited to the attorneys of record, and investigators, paralegals, law clerks, experts and assistants for the attorneys of record (hereinafter collectively referred to as members of the defense team). This category of Protected Materials will be marked and labeled as "Protected Material:

- a. law enforcement reports summarizing interviews of witnesses;
- b. statements made by witnesses, whether written or recorded;
- c. recordings of witness communications through 911 dispatch and police departments, and related police radio communications;
- d. Grand Jury transcripts and exhibits;

1 e. medical examiner and other forensic reports;

2 f. personal information relating to witnesses.

3 As used in this Order, the term “personal information” refers to each victim and  
4 witness’s full name, date of birth, Social Security number (or other identification  
5 information), driver’s license number, location of employment, school records, juvenile  
6 criminal records, and other confidential information.

7 2. Scope of Review of Protected Material

8 The attorneys of record and members of the defense team may display and review  
9 the Protected Material with the Defendant. The attorneys of record and members of the  
10 defense team acknowledge that providing copies of the Protected Material to the  
11 Defendant and other persons is prohibited, and agree not to duplicate or provide copies of  
12 Protected Material to the Defendant and other persons.

13 The United States Attorney’s Office for the Western District of Washington is  
14 similarly allowed to display and review the Protected Material to lay witnesses, but is  
15 otherwise prohibited from providing copies of the Protected Material to lay witnesses, i.e.  
16 non-law enforcement witnesses.

17 3. Consent to Terms of Protective Order

18 Members of the defense team shall provide written consent and acknowledgement  
19 that they will each be bound by the terms and conditions of this Protective Order. The  
20 written consent need not be disclosed or produced to the United States unless requested  
21 by the Assistant United States Attorney and ordered by the Court.

22 4. Parties’ Reciprocal Discovery Obligations

23 Nothing in this order should be construed as imposing any discovery obligations  
24 on the government or the defendant that are different from those imposed by case law and  
25 Rule 16 of the Federal Rules of Criminal Procedure, and the Local Criminal Rules.

26 5. Filing of Protected Material

27 Any Protected Material that is filed with the Court in connection with pre-trial  
28 motions, trial, sentencing, or other matter before this Court, shall be filed under seal and

1 shall remain sealed until otherwise ordered by this Court. This does not entitle either  
2 party to seal their filings as a matter of course. The parties are required to comply in all  
3 respects to the relevant local and federal rules of criminal procedure pertaining to the  
4 sealing of court documents.

5 6. Review of Order

6 The provisions of this Order shall be reviewed or modified at the conclusion of  
7 this prosecution or at an earlier time upon motion of the defendant, and upon further  
8 Order of the Court.

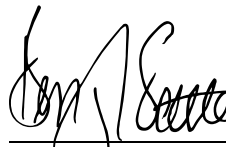
9 8. Violation of Protective Order

10 Any violation of any term or condition of this Order by the Defendant, his  
11 attorney(s) of record, any member of the defense team, or any attorney for the United  
12 States Attorney's Office for the Western District of Washington, may be held in contempt  
13 of court, and/or may be subject to monetary or other sanctions as deemed appropriate by  
14 this Court.

15 If the Defendant violates any term or condition of this Order, the United States  
16 reserves its right to seek a sentencing enhancement for obstruction of justice, or to file  
17 any criminal charges relating to the Defendant's violation.

18 DATED this 26<sup>th</sup> day of May, 2015.

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BENJAMIN H. SETTLE  
United States District Judge